CF/Pool (5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(C.G.)

WRIT PETITION No. 4130 **/2003**

PETITIONER

D. Lazrus Kuzur
Aged about 63 years
S/O Late Shri Lazrus Kuzur
R/O Qr. No. E/8 Professor Colony, Dharampura No. 2
Jagdalpur, District Bastar (Chhattisgarh)

P. R. No. 3926/03
Presented by Shri Titus Kerketta
dated 17.12.03

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through Principal Secretary Department of Education, D.K.S. Bhawan, Mantralaya Raipur (Chhattisgarh)

2. Additional Director Department of Education, Raipur (Chhattisgarh)

3. Principal Govt. Post Graduate College, Jagdalpur district Bastar (Chhattisgarh)

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17/12/03
Clerk to A.G. Bilaspur

09/12/13

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF CERTIORARI AND MANDAMUS AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:

(100)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**

W. P. No. 4130 of 2003

Petitioner : D. Lazrus Kuzur

Versus

Respondents : State of Chhattisgarh & others

Shri V.G. Tamaskar, Advocate for the petitioner.

Shri V.V.S. Moorthy, Deputy Advocate General with Shri Ajay Dwivedi, Panel lawyer for the State/respondents.

ORDER

(11th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. Despite several opportunities granted to the State/respondents, no return/reply has been filed by the State/respondents till date.

2. The petitioner was initially appointed as Lecturer in the department of Hindi on 28.8.1969 in the Government J.M.P. Mahavidalya, Takhatpur, District Bilaspur. Later on, the management, teachers and staffs with students were taken over by the Government on 1.10.1982. The services of the petitioner was also taken over by the State Government.

3. In the course of service of the petitioner as State Govt. employee, the petitioner was transferred from Government J.M.P. Mahavidalya, Takhatpur, District Bilaspur to Government Post graduate College, Jagdalpur, District Bastar (C.G.) on 9.8.1987. The petitioner has retired on attaining the age of superannuation on 31.10.2003.

(101)

4. The petitioner has filed this petition seeking a direction to the respondents to pay higher pay scale as per order dated 26.5.2000 (Annexure P/12) from 1.1.1986.

5. Shri V.V.S. Moorthy, learned Deputy Advocate General with Shri Ajay Dwivedi, learned Panel lawyer appearing for the State/respondents is not in a position to dispute the contents of the said order dated 26.5.2000, whereby it is clearly provided that the petitioner working as Assistant professor in the Government Post graduate College, Jagdalpur, District Bastar (C.G.) would be granted higher pay scale on the post w.e.f. 1.1.1986. It is not brought to the notice of this Court that any order subsequent to this, modifying/canceling the order dated 26.5.2000 has been passed.

6. Mr. Moorthy fairly and frankly concedes the position and submits that the petitioner would be entitled to higher pay scale as per order dated 26.5.2000 (Annexure P/12).

7. For the aforementioned reasons, this petition is allowed and the respondents are directed to make payment of higher pay scale as per order dated 26.5.2000 (Annexure P/12), Pravar Shreni pay scale granted by order dated 16.7.2003 (Annexure P/14) to the petitioner w.e.f. 27.7.1998 and consequential benefits thereafter granted to other similarly situated employees. In the event, it is found that the facts stated herein are contrary to the actual facts, the respondents are at liberty to move this Court for clarification/modification of the order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge